

GCIC Non-Criminal Justice Operations Bulletin 2013-02

SUBJECT: Security and Management Control Outsourcing Standard

ATTENTION: Agency Heads

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1. The National Crime Prevention and Privacy Compact (Compact) establishes standards and processes for exchanging criminal history records among states and between states and the Federal Bureau of Investigation (FBI) for non-criminal justice purposes such as licensing or employment. Article VI of the Compact provides for a Compact Council with the authority to establish rules and procedures that control use of the Interstate Identification Index (III) system for non-criminal justice purposes. The III is the system of federal and state criminal history records maintained by the FBI.
2. The Compact Council has published a Security and Management Control Outsourcing Standard (Outsourcing Standard), which permits the outsourcing of non-criminal justice functions related to the processing and handling of criminal history record information (CHRI) from III. The Outsourcing Standard permits a governmental agency or other authorized recipient of CHRI to select a private or governmental agency to perform non-criminal justice administrative functions related to the processing of CHRI, to include but not limited to:
 - a. Making fitness determinations/recommendations
 - b. Obtaining missing dispositions
 - c. Disseminating CHRI as authorized by Federal statute, Federal Executive Order, or State statute approved by the United States Attorney General
 - d. Other authorized activities relating to the general handling, use and storage of CHRI on behalf of the governmental or authorized agency, subject to appropriate controls.
3. The goal of the Outsourcing Standard is to provide Non-Criminal Justice Agencies (NCJA) with information on the required procedures, responsibilities and controls to maintain adequate security and integrity of CHRI while under the control or management of an outsourced, third party contractor (Contractor). The provisions of the Outsourcing Standard are established by the Compact Council

- pursuant to 28 CFR Part 906 and are subject to the scope of that rule.
4. Georgia governmental agencies that obtain national criminal history record checks for non-criminal justice purposes under an approved Public Law 92-544 statute, or federal statute (hereafter referred to as Authorized Recipient) may utilize the Compact Council's Outsourcing Standard to permit a contractor, or contractors, to perform the administration of non-criminal justice functions associated with national criminal history records on behalf of the Authorized Recipient. This can include forwarding the FBI's III record to a contractor to determine employment or licensing eligibility at the lowest agency level.
 5. The Outsourcing Standard must also be incorporated when utilizing a contractor to store, archive or destroy CHRI.
 6. Prior to outsourcing the administration of any non-criminal justice functions related to CHRI the NCJA must request and receive written permission from GCIC to outsource processing of CHRI. All requests should be mailed to:

Shirley Andrews
Assistant Deputy Director
Compliance and Customer Support
Georgia Crime Information Center
P.O. Box 370808
Decatur, Georgia 30037- 0808

7. The written request must include the specific authority for the outsourced work, the state or federal requirement for the criminal history record background check, and a copy of relevant portions of the contract.
8. The Authorized Recipient is required to execute an approved contract or agreement before a Contractor can access CHRI (a sample contract is located on the GBI public website <http://gbi.georgia.gov/> within the Publications folder). The contract or agreement for the shredding or storage of CHRI must reference and have appended to it the current version of the CJIS Security Policy (including the Security Addendum) and the Security and Management Control Outsourcing Standard. These required documents are located on the GBI public website (<http://gbi.georgia.gov/>) within the Publications folder and on the Georgia Applicant Print Services (GAPS) website (<http://www.ga.cogentid.com>) under the

General Information tab. In addition to these documents, the contract must specify the terms and conditions of CHRI access:

- a. Limit the use of such information to the purposes for which it is provided
 - b. Limit the retention of the information
 - c. Prohibit the dissemination of the information except as specifically authorized by federal and state laws, regulations and standards as well as rules, procedures and standards established by the Compact Council and the United States Attorney General
 - d. Ensure the security and confidentiality of the information to include confirmation that the Contractor is authorized to receive CHRI
 - e. Provide audits and sanctions
 - f. Provide conditions for termination of the contract
 - g. Maintain up-to-date records of contractor personnel that have access to CHRI
 - h. Ensure contractor personnel comply with the Outsourcing Standard and CJIS Security Policy
9. To ensure the Contractor complies with the CJIS Security Policy and Outsourcing Standard, the Authorized Recipient must require and maintain the following for all contractor employees that will be performing the outsourced function:
- a. All contractor employees shall submit to a fingerprint-based criminal history record check, (if a local, state or federal written standard requires or authorizes the criminal history record check). Criminal history checks of Contractor (and approved Sub-Contractor) personnel, at a minimum, will be no less stringent than criminal history record checks on Authorized Recipient personnel that are performing similar functions. The fingerprint-based background check must be completed prior to accessing CHRI.
 - b. No contractor employee handling CHRI shall have a felony conviction or multiple misdemeanors indicating a disregard for the law.
 - c. A copy of the completed fingerprint results must be maintained.
 - d. All contractor employees shall sign a GCIC Awareness Statement (this required document is located on the GBI Vendor and Non-Criminal Justice Agency Training website at <http://www.firstnetcampus.com/GBI/entities/vendors/logon.htm>).
 - e. All contractor employees shall sign a CJIS Security Policy Addendum certification.
 - f. All contractor employees must complete the Security and Awareness computer based training (accessible through the GBI Vendor and Non-Criminal Justice Agency Training website) <http://www.firstnetcampus.com/GBI/entities/vendors/logon.htm>). This shall be completed prior to the contract signing and every two years thereafter.

- g. The contractor's facility is subject to periodic security audits by GCIC personnel.
- h. The following documents shall be maintained by the Authorized Recipient:
 - a. Fingerprint-based background check results
 - b. GCIC Awareness Statement
 - c. CJIS Security Policy Addendum Certification
- i. The Authorized Recipient shall conduct an audit of the Contractor within ninety (90) days of the date the contractor first receives CHRI under the approved agreement and every three (3) years thereafter. The Authorized Recipient shall provide written notice of any early voluntary termination of the contract to Shirley Andrews, Assistant Deputy Director Compliance and Customer Support at the address noted in Item 6.
- j. The Authorized Recipient is responsible for the actions of the Contractor and shall monitor the Contractor's compliance with the terms and conditions of the CJIS Security Policy.
- k. The Authorized Recipient shall provide written notice of any security violations to GCIC immediately (within four (4) hours). This notification shall be sent to the attention of the GCIC Deputy Director Terry Gibbons. This may be forwarded via email to terry.gibbons@gbi.ga.gov.

10. Physical media shall be securely disposed of when no longer required and should be destroyed by shredding or incineration. The Authorized Recipient shall ensure the disposal or destruction is witnessed or carried out by authorized personnel.

If you have any questions regarding the aforementioned requirements, please do not hesitate to contact John Pickelsimer, CJIS Compliance Manager.

Approved:  _____ 5/07/2012
Terry D. Gibbons, Deputy Director for GCIC Date